

Fitzgerald & Associates, P.C.

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY -- NEWARK
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Chapter 13

In re:

Case No. 20-22696-VFP

Lashonda McBurroughs,

Return Date: 9/5/24
Time: 10:00 a.m.

Debtor

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ATTORNEY'S CERTIFICATION IN OPPOSITION TO STAY RELIEF MOTION

I, Nicholas Fitzgerald, the above named debtor's counsel, hereby certifies as follows:

1. I make this certification in opposition to the mortgagee's stay relief motion.

2. I acknowledge, of course, that a debtor must keep current with her post-petition mortgage payments or stay relief can be granted.

3. My issue in this case is that the mortgagee's breakdown of the arrears is incomprehensible to people like me who have an average IQ. See exhibit A for a copy of the mortgagee's breakdown.

4. LBR 4001-1 requires a specific format in regards to a certification regarding a debtor's post-petition payment history. Furthermore, the Bankruptcy Court's web site has form which can

be used to comply with LBR 4001-1. See exhibit B for a copy of this form.

5. I think that the reason for LBR 4001-1 is to avoid the problem which I am having in regards to this case which is that I find the mortgagee's breakdown incomprehensible and if the mortgagee would follow LBR 4001-1 that would clear everything up.

6. I have asked opposing counsel to please comply with LBR 4001-1 and to have the required for filled out but to date they have failed to do so.

7. If the mortgagee does not comply with LBR 4001-1 it is respectfully requested that the stay relief motion be dismissed without prejudice.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment

Dated: August 28, 2024



Nicholas Fitzgerald
Debtor's Counsel

Exhibit A -- Copy of Mortgagee's Breakdown

Debtor Name:	McBurroughs						
BK Case Number:	20-22696						
Filing Date:	11/13/20					Completed by:	
Post First Due:	12/01/20					Completed Date:	
Post-Petition Due	Date Received	Amount Received	Amount Applied	Suspense Application	Suspense Balance	7/19/2024	
12/01/20	12/15/2020	\$ 2,107.07	\$ 2,107.07	\$ -	\$ -	POC	\$2,107.07
01/01/21	1/14/2021	\$ 2,107.07	\$ 2,107.07	\$ -	\$ -		
02/01/21	2/11/2021	\$ 2,107.07	\$ 2,107.07	\$ -	\$ -		
03/01/21	3/15/2021	\$ 2,107.07	\$ 2,107.07	\$ -	\$ -		
04/01/21	4/15/2021	\$ 2,107.07	\$ 2,107.07	\$ -	\$ -		
05/01/21	5/14/2021	\$ 2,107.07	\$ 2,107.07	\$ -	\$ -		
06/01/21	6/15/2021	\$ 2,107.07	\$ 2,107.07	\$ -	\$ -		
07/01/21	7/15/2021	\$ 2,107.07	\$ 2,107.07	\$ -	\$ -		
08/01/21	8/13/2021	\$ 2,107.07	\$ 2,107.07	\$ -	\$ -		
09/01/21	9/20/2021	\$ 2,107.07	\$ 2,107.07	\$ -	\$ -		
10/01/21	10/15/2021	\$ 2,107.07	\$ 2,107.07	\$ -	\$ -		
11/01/21	12/1/2021	\$ 2,108.00	\$ 2,107.07	\$ 0.93	\$ 0.93		
12/01/21	1/4/2022	\$ 2,123.67	\$ 2,123.67	\$ -	\$ 0.93	12/1/2021	\$2,123.67
01/01/22	1/28/2022	\$ 2,123.67	\$ 2,123.67	\$ -	\$ 0.93		
02/01/22	2/25/2022	\$ 2,123.67	\$ 2,123.67	\$ -	\$ 0.93		
03/01/22	4/8/2022	\$ 2,123.67	\$ 2,123.67	\$ -	\$ 0.93		
04/01/22	5/25/2022	\$ 2,124.00	\$ 2,123.67	\$ 0.33	\$ 1.26		
05/01/22	7/15/2022	\$ 2,124.00	\$ 2,123.67	\$ 0.33	\$ 1.59		
06/01/22	8/9/2022	\$ 2,124.00	\$ 2,123.67	\$ 0.33	\$ 1.92		
07/01/22	8/18/2022	\$ 2,124.00	\$ 2,123.67	\$ 0.33	\$ 2.25		
08/01/22	9/26/2022	\$ 2,124.00	\$ 2,123.67	\$ 0.33	\$ 2.58		
09/01/22	11/18/2022	\$ 2,124.00	\$ 2,123.67	\$ 0.33	\$ 2.91		
10/01/22	12/6/2022'	\$ 2,124.00	\$ 2,123.67	\$ 0.33	\$ 3.24		
				\$ -	\$ 3.24		
AO Entered 12/20/22				\$ -		Stip payments	
01/01/23	12/21/2022	\$ 2,124.00	\$ 2,123.67	\$ 0.33	\$ 0.33	1/1/2023	\$ 707.35
01/01/23 Stip	1/10/2023	\$ 2,124.00	\$ 707.35	\$ 1,416.65	\$ 1,416.98	2/1/2023	\$ 707.35
02/01/23	1/24/2023	\$ 2,124.00	\$ 2,194.84	\$ (70.84)	\$ 1,346.14	3/1/2023	\$ 707.35
02/01/23 stip			\$ 707.35	\$ (707.35)	\$ 638.79	4/1/2023	\$ 707.35
03/01/23	2/24/2023	\$ 2,195.00	\$ 2,194.84	\$ 0.16	\$ 638.95	5/1/2023	\$ 707.35
03/01/23 stip	4/4/2023	\$ 2,195.00	\$ 707.35	\$ 1,487.65	\$ 2,126.60	6/1/2023	\$ 707.35
04/01/23	5/22/2023	\$ 2,190.00	\$ 2,194.84	\$ (4.84)	\$ 2,121.76		
04/01/23 stip			\$ 707.35	\$ (707.35)	\$ 1,414.41	2/1/2023	\$ 2,194.84
05/01/23	6/2/2023	\$ 2,200.00	\$ 2,194.84	\$ 5.16	\$ 1,419.57		
05/01/23 stip			\$ 707.35	\$ (707.35)	\$ 712.22		
06/01/23	7/26/2023	\$ 2,195.00	\$ 2,194.84	\$ 0.16	\$ 712.38		
06/01/23 stip			\$ 707.35	\$ (707.35)	\$ 5.03		
07/01/23	8/23/2023	\$ 2,195.00	\$ 2,194.84	\$ 0.16	\$ 5.19		
08/01/23	9/25/2023	\$ 2,195.00	\$ 2,194.84	\$ 0.16	\$ 5.35		
09/01/23	10/17/2023	\$ 2,195.00	\$ 2,194.84	\$ 0.16	\$ 5.51		
10/01/23	11/2/2023	\$ 2,195.00	\$ 2,194.84	\$ 0.16	\$ 5.67		
11/01/23	11/30/2023	\$ 2,195.00	\$ 2,194.84	\$ 0.16	\$ 5.83		
12/01/23	12/21/2023	\$ 2,195.00	\$ 2,193.40	\$ 1.60	\$ 7.43		
01/01/24	1/29/2024	\$ 2,194.00	\$ 2,193.40	\$ 0.60	\$ 8.03		
	2/28/2024	\$ 2,195.00		\$ 2,195.00	\$ 2,203.03		
	3/8/2024	\$ (2,195.00)		\$ (2,195.00)	\$ 8.03		
02/01/24	3/22/2024	\$ 2,195.00	\$ 2,193.40	\$ 1.60	\$ 9.63		
03/01/24	4/10/2024	\$ 2,195.00	\$ 2,193.40	\$ 1.60	\$ 11.23		
4/1/2024	5/22/2024	\$ 2,195.00	\$ 2,193.40	\$ 1.60	\$ 12.83		
	6/19/2024	\$ 2,295.00		\$ 2,295.00	\$ 2,307.83		
NSF	6/28/2024	\$ (2,295.00)		\$ (2,295.00)	\$ 12.83		
5/1/2024	7/18/2024	\$ 2,195.00	\$ 2,193.40	\$ 1.60	\$ 14.43		
06/01/24	08/19/24	\$ 2,195.00	\$ 2,193.40	\$ 1.60	\$ 16.03		
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Exhibit B -- Copy of Form Required to Comply with LBR 4001-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.:

Chapter:

Hearing Date:

Judge:

CERTIFICATION OF CREDITOR REGARDING POST PETITION PAYMENT HISTORY
(NOTE AND MORTGAGE DATED _____)

_____, employed as _____ by
_____, hereby certifies the following:

Recorded on _____, in _____ County, in Book _____ at Page _____

Property Address: _____

Mortgage Holder: _____

Mortgagor(s)/ Debtor(s): _____

POST-PETITION PAYMENTS (Petition filed on _____)

Amount Due	Date Payment Was Due	How Payment Was Applied (Mo./Yr.)	Amount Received	Date Payment Received	Check or Money Order Number
1.					
2.					
3.					

Amount Due	Date Payment Was Due	How Payment Was Applied (Mo./Yr.)	Amount Received	Date Payment Received	Check or Money Order Number
4.					
5.					
6.					
7.					
8.					
9.					
10.					
TOTAL: \$ 0.00			\$ 0.00		

[Continue on attached sheets if necessary.]

Monthly payments past due: _____ mos. x \$ _____

(Monthly payment + late charge) = \$ 0.00 as of _____.

Each current monthly payment is comprised of:

Principal \$ _____

Interest \$ _____

R.E. Taxes: \$ _____

Insurance: \$ _____

Late Charge: \$ _____

Other: \$ _____

TOTAL \$ _____ 0.00

(Specify: _____)

If the monthly payment has changed during the pendency of the case, please explain (attach separate sheet(s) if necessary): _____

Pre-petition arrears: _____ to _____ (_____ mos. x \$ _____ /mo. = \$ 0.00)

I certify under penalty of perjury that the above is true.

Date: _____

Signature _____